

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Jane Doe,	)	Civil Action No. 2:22-2679-RMG
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Massage Envy Franchising, LLC;	)	
Massage Envy Wescott; PGD	)	
Investments, Inc.; Robert W. Lee and	)	
Catherine H. Lee; ABC, INC 1-10	)	
(fictitious entities); and JOHN DOES 1-10	)	
(fictitious persons),	)	
	)	
Defendants.	)	
	)	

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**ORDER REGARDING DEFENDANT’S MOTION TO DISMISS (Dkt. No. 5)**

Defendant PGD Investments, Inc. (“Defendant”) filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, arguing that the complaint fails to sufficiently plead a valid cause of action for respondeat superior, negligence, negligence per se, reckless infliction of emotional distress, intentional infliction of emotional distress, violation of the South Carolina Unfair Trade Practices Act, and fraudulent concealment and, therefore, is defective for failing to articulate plausible claims on which relief can be granted as required by the United States Supreme Court’s decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). (Dkt. No. 5.)

The Court has reviewed the motion. Without expressing any view as to the motion’s merits, the Court affords Plaintiff an opportunity to cure the purported pleading defects. Therefore, the Court HEREBY GRANTS Plaintiff leave to file an amended complaint in accordance with Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. An amended complaint must plead specific factual allegations that, if true, would “plausibly give rise to an entitlement to relief.” *Iqbal*, 556

U.S. at 680. If Plaintiff timely files an amended complaint, the Court will deny without prejudice Defendant's instant motion to dismiss as moot. If Plaintiff does not timely file an amended complaint, Plaintiff must file a response to Defendant's instant motion to dismiss, and the Court will then decide the motion.

Plaintiff is **DIRECTED** to file either an amended complaint or a response to the instant motion on or before September 17, 2022.

**AND IT IS SO ORDERED.**

s/ Richard M. Gergel  
Richard M. Gergel  
United States District Judge

September 7, 2022  
Charleston, South Carolina